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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,786	08/05/2003	Masaru Aiso	393032039900	2713

7590  
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01/09/2008

EXAMINER
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SUTHERS, DOUGLAS JOHN

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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01/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/635,786	Applicant(s) AISO ET AL.	
	Examiner Douglas Suthers	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-5,7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claims 1-2, 4-5, and 7-11 are pending and are addressed in this office action.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/07 has been entered.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Regarding claim 5, the claim recites the limitation "predetermined operating elements". It is unclear what is predetermined.
6. Regarding claim 1, the claim recites the limitation "between said input and said output ports". It is unclear if the input refers to the input channel or input port.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4, 5, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the Roland VS-1680 Owner's manual.
9. Regarding claim 1, Roland discloses a signal processing apparatus comprising:  
a plurality of input ports (page 18, items 13-15) that receive signals from a plurality of external devices;  
a plurality of output ports (page 18, items 5-9) that transmit control signals to said plurality of external devices;

a plurality of input channels (page 14, shown as items 4-6) to which signals are inputted from the external devices;

a plurality of operating elements (6) associated with respective ones of said input channels;

an input patch that sets connections between said input ports and said input channels (input mixer shown on page 25);

setting means for setting one-to-one correspondence between said input and said output ports (mixing sections, pages 25 and 26); and

transmission control means that performs, when any of said operating elements is operated, control such that the control signal is transmitted from the output port that correspond to the input port connected to the input channel that correspond to the operated operating element (when fader is changed, the output of corresponding input is reduced in the output).

10. Regarding claim 2, Roland discloses wherein said input patch is capable of changing the connections between said input ports and said input channels (page 25).

11. Regarding claim 4, Roland discloses further comprising a display that displays a screen for prompting an output setting for each of said input ports (top of page 42).

12. Regarding claim 5, Roland discloses a signal processing apparatus comprising:

a plurality of input ports (page 18, items 13-15) that receive signals from a plurality of external devices;

a plurality of output ports (page 18, items 5-9) that transmit control signals to said plurality of external devices;

a plurality of input channels (page 14, shown as items 4-6) to which signals are respectively inputted from the external devices associated with respective ones of said input ports;

a plurality of predetermined operating elements (6) associated with respective ones of said input channels;

an input patch that sets connections between said input ports and said input channels (input mixer shown on page 25);

setting means for setting at least one of first one-to-one correspondence between said input ports and said output ports, and second one-to-one correspondence between said input channels and said output ports (mixing sections, pages 25 and 26);

a mode setting device (fader button, bottom of page 26) that selectively sets either one of a first mode in which one of the output ports from which the control signal is to be transmitted is determined on an input port basis (input mixer) and a second mode in which one of the output ports from which the control signal is to be transmitted is determined on an input channel basis (track mixer); and

transmission control means that performs, when any of said operating elements is operated in a state where the first mode is set, control such that the control signal is transmitted from the output port which is made to correspond to the input port

connected to the input channel corresponding to the operated operating elements (when fader is changed, the output of corresponding input is reduced in the output), said transmission control means performing, when any of said operating elements is operated in a state where the second mode is set, control such that the control signal is transmitted from the output port which is made to correspond to the input channel corresponding to the operated operating element (when fader is changed, the output of corresponding track is reduced in the output).

13. Regarding claim 7, Roland discloses further comprising a display that displays a screen,

wherein the display displays a screen for prompting an output setting for each of the input ports if said mode setting device sets the first mode (top of page 42) and displays a screen for prompting an output setting for each of the input channels if said mode setting device sets the second mode (middle of page 42).

14. Regarding claims 8 and 9, the computer claims 8 and 9 are rejected in an analogous manner to method claims 1 and 5 respectively given that the unit is run by a central processing unit and associated software.

15. Regarding claim 10, Roland discloses further comprising:

input port selecting means that selects the input port connected to the input channel corresponding to the operated operating element (page 25).

16. Regarding claim 11, Roland discloses further comprising:

input port selecting means that selects the input port connected to the input channel corresponding to the operating element operated in a state that the first mode is set (page 25); and input channel selecting means that selects the input channel corresponding to the operating element operated in a state that the second mode is set (page 26).

### ***Response to Arguments***

Applicant's arguments filed 11/21/07 have been fully considered but they are not persuasive.

The examiner maintains the objection to the title because of the generic language used.

In response to applicant's argument that "one-to-one correspondence" is not taught, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. One-to-one correspondence can be obtained and would be the most intuitive to a user.



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It regards to applicant's argument that no control signal is found in the reference, the examiner would like to point out that audio signals could control external devices, such as controlling a speaker to vibrate, or controlling via voice commands.


### **Conclusion**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Suthers whose telephone number is (571)272-0563. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571)272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*DS*

  
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